



Ninety-Eighth Legislature - First Session - 2003  
**Introducer's Statement of Intent**  
**LB 358**

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**Chairperson:** DiAnna R. Schimek  
**Committee:** Government, Military and Veterans Affairs  
**Date of Hearing:** January 23, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 358 implements several requirements of the Help America Vote Act of 2002.

**Sections 1 and 2:** The new sections are harmonized into the Election Act.

**Section 3:** Electronic voting system is defined to mean a voting system in which each part of the process is done electronically.

**Section 4:** Voting system is defined to mean the process of creating, casting, and counting ballots.

**Section 5:** The Secretary of State is required to establish a free access system, such as a toll-free number or Internet website, which allows any voter who casts a provisional ballot to discover whether the vote was counted and, if the vote was not counted, the reason the vote was not counted. The Secretary of State will establish and maintain reasonable procedures to protect the security, confidentiality and integrity of the information used by the free access system. Access to information about an individual's provisional ballot will be restricted to the individual who cast the ballot.

**Sections 6- 8, 10-14, 16-21, 26-28, 32, 34- 42:** These sections eliminate references to outdated voting equipment such as punch cards and voting machines. In appropriate sections, the language is replaced with "electronic voting systems" or "voting systems."

**Section 9:** The Federal Election Commission is eliminated under the Help American Vote Act and is replaced by the federal Election Assistance Commission.

**Sections 13, 14, 15, 31, 33, 43:** These sections are amended to allow the use of different types of voting equipment in Nebraska, including electronic voting systems.

**Section 16:** This section clarifies that when voting on paper ballots that are manually counted or counted by optical scanners, filling in the oval or making a cross or other clear, intelligible mark in the square constitutes a valid vote. When a voter is using an electronic voting system, a valid vote is defined as causing a mark to be recorded opposite the candidate or ballot question response for which the voter wishes to vote.

**Section 17:** The election commissioner or county clerk is required to post voting information in each polling place on the day of election. The information will include:

- The date of the election and the hours during which the polls are open;
- Instructions for voters who registered to vote by mail and first-time voters;
- General information on voting rights, including information on the right of an individual to cast a provisional ballot and how to contact the appropriate officials if these rights are violated; and
- General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

**Section 22:** This section harmonizes statutes relating to provisional balloting.

**Section 23:** A person who is registered to vote and moves to a new residence in the same county and precinct but has not changed her/her voter registration form to reflect the move, is entitled to vote at the new precinct.

**Section 24:** This section eliminates conditional balloting provisions and combines them with provisional balloting.

**Section 25:** Any person who votes in an election for federal office as a result of a court order or any other order extending the time for closing the polls pursuant to a state law in effect 10 days before the election may only vote by provisional ballot.

**Section 26:** The judge of election is required to give a voter who is voting by provisional ballot, written information on the free access system and how to determine if his or her vote was counted.

If a provisional ballot is cast pursuant to section 25 of this act, the ballot will be kept separate from other ballots.

**Section 29:** References to conditional balloting are eliminated.

**Section 30:** References to conditional balloting are eliminated. The election commissioner or county clerk is required to notify the system administrator of the free access system as to whether a vote was counted and, if not, the reason the ballot was not counted.

**Section 45:** These statutes are outright repealed: sections 32-1046 to 32-1048 (dealing with outdated voting systems) and section 32-914.03 (dealing with provisional balloting).

**Principal Introducer:**

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**DiAnna R. Schimek, Chairperson**  
**Committee on Government, Military and Veterans Affairs**